

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HADONA DIEP, et al.,

Plaintiffs,

v.

APPLE INC,

Defendant.

Case No. 21-cv-10063-PJH

**ORDER**

On April 19, 2024, this court dismissed plaintiffs Diep and Nagao's claims 4, 5, and 9 with leave to amend. Dkt. 64. That order directed the parties to file an amended complaint alleging additional facts in support of those claims within 28 days. Id. On May 17, 2024, the court stayed the action pursuant to the parties' stipulation for 30 days to allow plaintiff Diep to retain new counsel or elect to proceed pro se. Dkt. 66. That order specified that plaintiffs' second amended complaint must be filed no later than 20 days after either (a) the expiration of the requested stay, or (b) the entry of substitute appearance on behalf of Ms. Diep, whichever occurred first. Id.

The stay expired on June 16, 2024, and plaintiff Diep has not appointed substitute counsel to represent her. Accordingly, Diep is proceeding pro se. Plaintiff Nagao remains represented by counsel. Under the terms of the stipulated order, plaintiffs were required to file an amended complaint by July 6, 2024. That deadline has passed, and plaintiffs have not filed any amended complaint.

Accordingly, plaintiffs must file an amended complaint no later than July 26, 2024, or this action will be immediately dismissed pursuant to Federal Rule of Civil

1 Procedure 41(b) for failure to prosecute.

2 **IT IS SO ORDERED.**

3 Dated: July 19, 2024

4 /s/ Phyllis J. Hamilton

5 PHYLLIS J. HAMILTON  
6 United States District Judge  
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